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Selectmen's Minutes
FEBRUARY 23, 2004
7:00 P.M.

Present, Walter Foster, Peter Ashton, F. Dore' Hunter Trey Shupert, Robert Johnson
Town Manager and Assistant Town Manager. Meeting was televised.

CITIZEN'S CONCERNS

Laurie Kinsley - She noted the problems with the heating at Douglas school and noted that the children had to wear their jackets because of the cold. She noted that Bill Ryan has told her that he will look at the issue to try to get a proposal for the repair/replacement.

SEWER COMMISSIONER'S REPORT

NONE

PUBLIC HEARINGS & APPOINTMENTS

BOND ISSUANCE

Steve Barrett gave an overview of the situation in the bond market. Walter asked about the rating in the Standard and Poor's and were we upgraded. We are an AA+ Rate; we would have liked the highest rating. Walter thanked them for their hard work. We have gotten a borrowing rate of 3.6 percent over the long term.

DORE' HUNTER – Moved to approve the sale of municipal Bonds as listed in the document attached to the back of these minutes. TREY SHUPERT – Second.
UNANIMOUS VOTE.

CONSERVATION COMMISSION, ASSOCIATE MEMBER INTERVIEW

Jim Snyder Grant gave an over view of his interest in open space and conservation. This appointment would keep with the intention of the Land Stewardship Committee to have their chairman as an associate member of the Conservation Commission. DORE' HUNTER – Moved to appoint Mr. Snyder-Grant as an Associate with a term to end June 31, 2004. PETER ASHTON – Second. UNANIMOUS VOTE.

CONTINUED CLASSIFICATION HEARING

John Murray explained the need for the continuation to March 8, 8:00 P.M. Walter wanted a letter drafted under his signature to the School Committees to cover this situation. He asked that a meeting be set before March 4th with the School Committee.

COMMUNITY PRESERVATION COMMITTEE

Catherine Coleman- They will be making their final votes for Town Meeting action. They received 1.4 million in requests and we have \$944,456 available 100% State Match. They wanted know about the form of the articles, as well as Morrison Land. They noted that it would be grouped together in latter Warrants.

Peter thinks we need to have it in one article and address individually. He felt that a single presenter and would make it go smoother and quickly. He wanted to in the future, he wanted to have a mechanism to track the amount of time staff spends as well as legal costs and to be sure we are reimbursed these costs.

Bob would prefer a single article as Peter noted.

Trey agreed with Dore'.

Andy said by keeping in one article it would be seen holistically and felt that people might get to the end and be lost.

Trey wanted to have Town Counsel look it over and get back to us he wanted to be prepared.

Dore' said we needed to find out if the article could be discussed in more than one night.

Morrison Property, Trey said we needed a Master Plan with relevant boards, committees and organizations represented. Peter felt that the committee should be small (seven to fifteen) there are still issues of Cemetery land and what the uses would be.

Dore` reminded every one about the 10 acres for planning fields on school Street for no money, we need help to develop it.

Trey urged a Master Plan for this project.

PLANNING BOARD AND EAVPC

Dave Brown gave an overview on the overall plan. All Boards and committee reviewed the draft. He said they also wanted to ban motor craft on Ice House Pond. They did not want to limit the number of residences on top of business. They support housing. Trey and Bob noted their work in this regard.

Peter spoke about traffic. He noted the plan itself there are a number of objectives and strategies which encourage pedestrian use and traffic calming issues. He asked the committee met with Mass Highway, to find out if these things will be allowed. They have spoken with Mass Highway over a 1 ½ ago. Peter also asked how important it is to the overall plan and zoning with regard to pedestrian friendly, infrastructure, and traffic calming measures.

Dore` noted that there are pedestrian problems on 2A, he spoke about Mass Highway wanting to get traffic from one point to another with no back up. He noted that stores want traffic and to have people stop.

Peter wanted any stats on the amount of property and buffer zone in EAV 2.

Mary Michelman – Thanked the committee and further asked them to reconsider their vote to allow repairs, auto body and trade shops by Special permit as they are close to the stream.

Gim Hom asked about current business and any increased taxation.

The proposed Outdoor Lighting Bylaw was discussed and they have talked with committees and boards regarding light issues. They have tried to educate townspeople about the issues of the two bylaws. Martin Gratz outlined the two articles for the upcoming meeting. The main bylaw is rewritten from the old one and what outdoor lighting should be. They reviewed other town's bylaws. Site Plan Special Permit or new construction and changes in commercial development, does not pertain to the schools for town. IES guidelines for glare, trespass and length of time after closing were used in this bylaw.

Dore' outlined his concern about multi-family housing and need for this regulation. He also discussed several problems he had with the language. He asked if Garry had reviewed this bylaw.

Peter asked about conversation with the Chamber and business owners' reaction to these bylaws. He said that business owners would/may say more regulations. They worked with the Chamber and made revisions. Town Counsel suggested they split the two articles.

Charlie Kadlec questioned the need for this bylaw. Put together useful information about light to encourage compliance, not require it. He felt we regulate too much and once it goes on the books it stays there.

TJ O'Grady Skate Park will allow them to occupy the site.

Multi family South Acton Village District changes for building constructed allow flexibility and style of the buildings.

Senior Residence Bylaw has been rewritten as it is not flexible as currently written.

Housekeeping Articles- these are sections of the Bylaw that need to be modified.

Petition is by 20 Main Street building Enterprise be used for storage of rental cars by Special Permit. Should be 2/3 vote and remove Roland from the contact person.

The other one is submitted by Mr. Melon. Piper and Route 2 rezone from OP to residential. Add contact person

SELECTMEN'S BUSINESS

MINUTEMAN SCHOOL- TREY SHUPERT Moved to endorse the Motion to support MMSCH in their petition of the House and Senate bill to allow or deny acceptance for out of district communities. DORE' HUNTER – Second. UNANIMOUS VOTE

SITE PLAN SPECIAL PERMIT #01/07/03/393, WETHERBEE PLAZA EXTENSION

Bob Johnson spoke about easement and sidewalk. Dore` suggested we give him more time to go to the Conservation Commission, etc. Peter echoed Dore's comments. Petitioners responsible for the sidewalk. Trey agreed but he said the site is marginal and he is burning cash every day, it was decided to have the Bldg Commissioner Selectman Johnson get together with Mr. Bertolami, the petitioner.

CONSERVATION COMMISISON APPOINTMENT

Put on for next meeting for action.

EAGLE SCOUT COURT OF HONOR – SAHIL N. GANDHI Bob Johnson will attend.

TOWN MEETING SCHEDULE

The Board discussed the letter from St. Elizabeth's regarding Holy Thursday. The Board has suggested we begin on Wednesday and reconvene to the following Monday. Dore' asked that the Moderator limit presentations at the beginning of Town Meeting and that the new meeting dates be printed in the warrant and Web Site.

BUDGET DISCUSSION

Revised cut list was reviewed and discussed and the financial plan for this year, no override this year. Use of Overlay account \$200,000 based on recommendation of the Town Manager. Peter said they were discussing at ALG. He feels we have surplus monies. The revenue forecast since December, and we are now assuming that State aid will be level funded not at 5% cut. Other revenues totaling 1.2 million over what we projected in December. And Peter felt we should not use the overlay at this time. He said we would be looking at an Override for 06. We need to save the overlay surplus for next year as our only reserve as emergency or out come of next years needs.

Walter said he had agreed with Peter months ago. But he felt it was clear we would be tapping into the reserves or overlay this year.

Trey said he agreed with Peter especially getting through this year. And he recommended we not use the overlay funds this year.

Dore' agreed with Peter, but is very concerned about next year. He felt we would be having a hard time next year with an override.

Bob Johnson – he agreed with Peter. DORE' HUNTER – Moved we no touch overlay. TREY SHUPERT – Second. H/ TS move we not touch the overlay 4-1 Dore' No.

Trey suggested we take infra structure to keep the secty in the Police Department. Dore' withdrew his support of not funding the secty, Walter agreed. Peter suggested we take back to Frank for his input. PETER ASHTON -move to go forward with items on Manager's list, infra structure and overtime pay for Fire. TREY SHUPERT – Second, UNINAMOUS VOTE, Don to bring police items back for next meeting.

WARRANT DISCUSSION

Next Monday night 1st of March special meeting

OTHER BUSINESS

Dore' wanted to make sure that the School St. fields are being reviewed for use. Recreation commission will be notified.

CONSENT AGENDA

PETER ASHTON– Moved to approve. – DORE' HUNTER - Second. VOTE. Trey Abstained

TOWN MANAGER'S REPORT

EXECUTIVE SESSION

Christine Joyce
Recording Clerk

Clerk

Date

February 20, 2004

TO: Board of Selectmen, Sewer Commissioners

FROM: Walter Foster, Chairman

SUBJECT: Selectmen and Sewer Commissioners Report

FEBUARY 23, 2004
MEETING BEGINS AT 7:00 P.M.

I. CITIZEN'S CONCERNS

II SEWER COMMISSIONERS' BUSINESS

III. PUBLIC HEARINGS & APPOINTMENTS

1. 7:05 **BOND ISSUANCE** – Enclosed please find Bond documents for permanent financing of the Public Safety Facility and the market-rate loan for the Sewer Project, for Board approval.
2. 7:10 **CONSERVATION COMMISSION, ASSOCIATE MEMBER INTERVIEW** – Enclosed please find Jim Snyder-Grant's VCC application and recommendation for appointment as an Associate Member with a term to expire 6/30/04, for Board consideration.
3. 7:15 **CONTINUED CLASSIFICATION HEARING** – Enclosed please find materials in the subject regard, for Board consideration.
4. 7:30 **COMMUNITY PRESERVATION COMMITTEE (CPC)** – The CPC will meet with the Board to discuss their recommendations for the Annual Town Meeting.
5. 7:45 **PLANNING BOARD AND EAST ACTON VILLAGE PLANNING COMMITTEE** – Both committees will present their warrant articles for Board consideration.

IV. SELECTMEN'S BUSINESS

6. **MINUTEMAN SCHOOL** – Enclosed please find a letter from Minuteman Regional High asking that the Board endorse two pieces of legislation, for Board consideration
7. **SITE PLAN SPECIAL PERMIT #11/07/03-393, WETHERBEE PLAZA EXTENSION**
Enclosed please find a draft decision for Board consideration.
8. **CONSERVATION COMMISSION APPOINTMENT** – Chairman Foster wishes the Board to consider filling a current vacancy on the Conservation Commission.
9. **EAGLE SCOUT COURT OF HONOR** - Sahil N. Gandhi – Enclosed please find the invitation to attend Sahil N. Gandhi's Court of Honor, for Board assignment.

I, the Clerk of the Board of Selectmen of the Town of Acton, Massachusetts, certify that at a meeting of the board held February 23, 2004, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was unanimously passed, all of which appears upon the official record of the board in my custody:

Voted: that the sale of the \$7,094,000 Municipal Purpose Loan of 2004 Bonds of the Town dated March 1, 2004, to Legg Mason Wood Walker, Inc. at the price of \$7,103,814.71 and accrued interest is hereby confirmed. The bonds shall be payable on March 1 of the years and in the principal amounts and bear interest at the respective rates, as follows, subject to earlier redemption at the option of the Town as provided in the Preliminary Official Statement dated February 4, 2004:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2005	\$359,000	2.50%	2015	\$365,000	3.50%
2006	365,000	2.50	2016	360,000	3.60
2007	365,000	3.50	2017	360,000	3.65
2008	365,000	2.375	2018	360,000	3.75
2009	365,000	2.50	2019	360,000	3.85
2010	365,000	2.75	2020	360,000	4.00
2011	365,000	2.75	2021	360,000	4.05
2012	365,000	3.00	2022	360,000	4.15
2013	365,000	3.25	2023	360,000	4.20
2014	365,000	3.50	2024	205,000	4.50

I further certify that the vote was taken at a meeting open to the public, that no vote was taken by secret ballot, that notice stating the place, date and time of the meeting was filed with the Town Clerk and a copy thereof posted in the office of the Town Clerk or on the principal official bulletin board of the town at least 48 hours, including Saturdays but not Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the bonds were taken in executive session, and that the official record of the meeting was made available to the public promptly and remains available to the public, all in accordance with G.L. c.39, s.23B as amended.

Dated: February 23, 2004

Clerk of the Board of Selectmen